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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 U.S. EQUAL EMPLOYMENT
13 OPPORTUNITY COMMISSION,

14 Plaintiff,

15 vs.

16 TESLA, INC.,

17 Defendant.
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Case No. 3:23-cv-04984-JSC

**DEFENDANT TESLA, INC.'S REQUEST
FOR JUDICIAL NOTICE IN SUPPORT OF
MOTION TO STAY ALL PROCEEDINGS IN
LIGHT OF LONG-RUNNING, CURRENTLY
PENDING AND VIRTUALLY IDENTICAL
STATE COURT LITIGATION**

Hearing Date: February 1, 2024
Time: 10:00 AM
Judge: Hon. Jacqueline Scott Corey
Courtroom: 8

Complaint Filed: September 28, 2023

*[Defendant's Notice of Motion and Motion;
Declarations of Sara A. Begley, Tiffany Hart,
Thomas E. Hill, and Jessica Quon-Vaili;
Exhibits in Support of Motion; and Proposed
Order, All Filed Concurrently Herewith]*

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I. Introduction

Pursuant to Fed. R. Evid. 201 (“Rule 201”), Defendant Tesla, Inc. (“Defendant” or “Tesla”) hereby requests the Court to take judicial notice of certain documents that are attached as exhibits to “Defendant’s Exhibits in Support of Motion to Stay All Proceedings in Light of Long-Running, Currently Pending and Virtually Identical State Court Litigation” (“Defendant’s Motion Exhibits”), filed concurrently herewith. The subject documents consist of true and correct copies of (1) state court dockets, filings and orders, (2) state and federal agency administrative filings and notices, and (3) information obtained from government websites. Judicial notice of these documents under Rule 201 is appropriate for the following reasons

II. Legal Standard

Federal courts may take judicial notice of facts that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(c). It is thus well established that federal courts may take judicial notice of state court orders and proceedings that are relevant to a federal action. *See Dawson v. Mahoney*, 451 F.3d 550, 551 n.1 (9th Cir. 2006) (taking judicial notice of state court orders and proceedings); *see also United States v. Black*, 482 F.3d 1035, 1041 (9th Cir. 2007) (stating that a federal court “may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue”); *ScriptsAmerica, Inc. v. Ironridge Global LLC*, 56 F. Supp. 3d 1121, 1136 (C.D. Cal. 2014) (“It is well established that federal courts may take judicial notice of related state court orders and proceedings.”).

Records and reports of administrative bodies, including the United States Equal Employment Opportunity Commission (“EEOC”), may also be judicially noticed under Rule 201. *See Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012) (internal quotation marks omitted) (a court “may take judicial notice of records and reports of administrative bodies”); *Cunningham v. Litton Indus.*, 413 F.2d 887, 889 n.2 (9th Cir. 1969) (taking judicial notice of EEOC decision); *Flewellen-El v. AT&T, Servs.*, No. C 17-04193 WHA, 2018 U.S. Dist. LEXIS 40382, at *5 n.1 (N.D. Cal. Mar. 12, 2018) (plaintiff’s EEOC discrimination charge was part of administrative record and properly judicially noticed); *Larson v. Conewango Prods.*, No. CV F 09-1060 LJO SMS, 2010 U.S. Dist.

LEXIS 26636, at *16 (E.D. Cal. Mar. 18, 2010) (taking judicial notice of EEOC Notice of Charge of Discrimination).

Finally, information and documents obtained from government agency websites “have often been treated as proper subjects for judicial notice.” *Paralyzed Veterans of Am. v. McPherson*, 2008 U.S. Dist. LEXIS 69542, at *17 (N.D. Cal. Sept. 8, 2008) (citations omitted); *see Ibarra v. Loan City*, Case No. 09-CV-02228-IEG (POR), 2010 U.S. Dist. LEXIS 6583, at *8 (S.D. Cal. Jan. 27, 2010).

III. Documents Subject to Judicial Notice

Based on the foregoing, Tesla asks the Court to take judicial notice of the following documents, true and correct copies of which are included amongst Defendant’s Motion Exhibits. These documents are publicly accessible and available, and their authenticity cannot be reasonably disputed.

(1) **Exhibit A:** Copy of the court docket in *Vaughn, et al. v. Tesla, Inc., et al.*, Alameda County Superior Court Case No. RG17882082 (the “Vaughn Case”).

(2) **Exhibit B:** Copy of the court docket in *Department of Fair Employment and Housing v. Tesla, Inc.*, Alameda County Superior Court Case No. 22CV006830 (the “CRD Case”).

(3) **Exhibit C:** Copy of the operative Second Amended Complaint in the Vaughn Case.

(4) **Exhibit D:** Copy of the operative First Amended Complaint in the CRD Case.

(5) **Exhibit F:** Copy of the EEOC’s Commissioner’s Charge of Discrimination in *Burrows v. Tesla, Inc.*, Charge No. 555-2019-01273 (the “EEOC Administrative Action”), dated May 28, 2019.

(6) **Exhibit G:** Copy of the DFEH’s Director’s Discrimination Complaint in *Kish v. Tesla, Inc.*, DFEH Administrative Case No. 201906-06540918, dated June 21, 2019.

(7) **Exhibit H:** Copy of the 2019 and 2022 Worksharing Agreements between the EEOC and the California Department of Fair Employment and Housing / Civil Rights Department.

(8) **Exhibit I:** Copy of the Transcript of Proceedings (Dec. 13, 2021) in *U.S. EEOC v. Activision Blizzard, Inc., et. al.*, United States District Court (C.D. Cal.) Case No. 2:21-CV-07682 DSF-JEM (the “Activision Case”).

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(9) **Exhibit M:** Copy of EEOC Determination Letter in the EEOC’s Administrative Action, dated June 1, 2022.

10) **Exhibit N:** Copy of EEOC Press Release, dated September 28, 2023.

(11) **Exhibit O:** Copy of Tesla’s Petition to Confirm Arbitration Award (including copy of final Arbitration Award) filed in *Tesla, Inc. v. DeWitt Lambert*, Alameda County Superior Court Case No. RG17854515, on May 2, 2019.

(12) **Exhibit P:** Copy of Court’s Order on Submitted Matter, dated November 18, 2022, filed in the CRD Case.

(13) **Exhibit Q:** Copy of letter from Rosa M. Viramontes, District Director, EEOC Los Angeles District Office, to Activision Blizzard, Inc., filed in the Activision Case on November 8, 2021.

(14) **Exhibit R:** Copy of Court’s Order Denying Motion to Intervene, in the Activision Case, dated December 20, 2021.

IV. Conclusion

For the foregoing reasons, the Court should grant Tesla’s request and take judicial notice of the above-identified documents.

Respectfully submitted,

Dated: December 18, 2023

HOLLAND & KNIGHT LLP

/s/ Thomas E. Hill

Thomas E. Hill

Attorneys for Defendant

TESLA, INC.